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8 DEFENDANT *IN PRO PER*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 OLIVER HILSEN RATH,

16 Defendant.

Case No. CR 03-0213 WHA

**MOTION TO ALTER JUDGMENT RE
DISMISS FINANCIAL COMMITMENTS**

Date: Nov 19, 2007

Time: 2:00 p.m.

Judge: Hon. William H. Alsup

BACKGROUND – THE PLEA AGREEMENT

On February 2007 Oliver Hilsenrath entered a plea agreement with the US government [03-0213/Doc 366], EXHIBIT A. The plea included payment of \$2 million in fines and taxes.

The source of the payment is identified as money improperly seized by the Swiss government.

Mr. Hilsenrath committed to make a good faith effort to pay those funds to the court and thereafter release any claims to the deposited funds (in this specific order).

The above financial commitment relies on this court's orders [03-0213/Doc 203 and 309], EXHIBITS B and C of, August and November 2006. These two orders clearly state that the funds seized by the Swiss are legitimately obtained and that there was no probable cause to have seized them.

COMPLAINT AGAINST THE SWISS

In order to stop the Swiss harassment the Hilsenrath family filed a complaint Case No 07-02782, EXHIBIT D, against the Swiss officials involved in the unlawful seizure of assets. The legal action is aimed at enforcing the Hilsenrath family's constitutional rights to legitimate property.

By regaining control of their assets, the Hilsenrath family also aimed to fulfill all obligations to this court [03-0213/Doc 366] and thereafter leave this country in summer 2008.

On October 23, 2007 this court denied jurisdiction on the Swiss officials responsible for the seizure, and in fact stated that the Swiss are conducting a proper and legal freeze of assets with probable cause to do so. [07-02782/Doc 50], EXHIBIT E.

IMPLICATIONS

By its new order, this Court reversed and annulled orders [03-0213/Doc 302 and 309] and in fact de-legitimized the Hilsenrath family's assets held by the Swiss.

The recent order [07-02782/Doc 50] specifically contradicts this court's former orders and contradicts countless statements of the US government attesting to the legitimacy of the assets.

Oliver Hilsenrath, as well as the US government, signed the plea agreement solely on the basis of payment of fines and taxes out of legitimate funds.

The proposal of the Swiss officials to forfeit money from multiple foreign countries to the US government or court is not acceptable to either Mr. Hilsenrath, nor should it be acceptable to the US government.

1 The Swiss are simply trying to save face from embarrassment at the expense of the
2 Hilsenrath family and business partners.

3
4 **CONCLUSION**

5 Mr. Hilsenrath has never agreed, and will not agree to criminal forfeiture of legitimate
6 assets.

7 Agreement to such criminal forfeiture would be in itself an act of fraud.

8 Such agreement would implicate Mr. Hilsenrath, his family and his business partners in
9 false admissions of criminal conduct in multiple foreign countries.

10 In summary, this court's order [07-02782/Doc 50] *de facto* invalidates orders [03-
11 0213/Doc 302 and 309] of the current case and legitimizes the unlawful Swiss seizure of assets.

12 Oliver Hilsenrath has exhausted all legal avenues to regain control on the Swiss assets and
13 has exhausted all legal avenues to make the payment to the court pursuant to the plea agreement
14 in this case [03-0213/Doc 366].

15 Accordingly defendant Oliver Hilsenrath respectfully moves to dismiss his financial
16 obligations in [03-0213/Doc 366].

17 Dated: October 25, 2007

18 Respectfully submitted,

19
20 OLIVER HILSENATH

21 Plaintiff *PRO SE*

22
23 /s/ Oliver Hilsenrath